

REMARKS

A total of 9 claims are now pending in the present application. The foregoing amendments are presented in response to the Final Office Action mailed May 18, 2007, wherefore reconsideration of this application is requested.

By way of the above-noted amendments, claim 1 has been amended to more distinctly define features of the present invention. In particular, claim 1 has been amended to define that the ONU identifier is unique among the ONUs of the passive optical network, and further that the network monitor monitors a return data channel of the passive optical network to detect a faulty ONU. New claims 25 and 26, correspond with original claim 6 (rewritten in independent form and including all of the subject matter of the base claim and any intervening claims) and claim 7, respectively.”

Claim 12 has been cancelled as being drawn to a non-elected species. In particular, in the Office Action of August 15, 2006, The Examiner made an restriction requirement under 35 U.S.C. § 121, in which the claims were divided into two groups, namely: Group I, incorporating claims 1-7 and 12, and Group II, incorporating claims 8-11 and 13-24. In Applicant’s response filed September 15, 2006, Applicant elected the Group I claims, and cancelled claims 8-11 and 13-24.

In the above-noted claim grouping, claim 12 was included in Group I, by virtue of its dependency from claim 6. However, claim 12 is drawn to a system (as opposed to the transmitter of claim 6), and defines elements of the network monitor in terms that reflect the language of original claim 8. The person of ordinary skill in the art will recognise that the network monitor is a separate component from that of the transmitter of claims 1-7, as is clearly defined in the system of claim 8. Accordingly, it is submitted that claim 12 was included in claim group I by virtue of its erroneous dependence on claim 6. In order to correct this error, Applicant has cancelled claim 12 from the present application, as being drawn to the species of non-elected claim group II, as defined in the Office Action of August 15, 2006. Applicant reaffirms its right to file a divisional application drawn to the subject matter of non-elected claims 8-24 at any time prior to issuance of a patent in the present case.

In preparing the above-noted claim amendments, careful attention has been paid to ensure that no new subject matter has been introduced as a result of the foregoing amendments.

Referring now to the text of the Office Action:

- claims 1-5 stand rejected under 35 USC 102(a) and (e) as unpatentable over the teaching of United States Patent No 6,504,636 (Seto et al.); and;
- claims 6, 7 and 12 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent for including all of the limitations of the base claim and any intervening claims.

As an initial matter, Applicant appreciates the Examiner's indication of allowable subject matter in claims 6, 7 and 12. The Examiner's claim rejections are believed to be fully traversed by way of the above-noted claim amendments, and further in view of the following comments.

Allowable Claims

New claim 25 incorporates the subject matter of claims 1, 2 and 6. New claim 26 is dependent on claim 25, and defines subject matter corresponding to that of claim 7. Since claims 6 and 7 have previously been indicated as defining patentable subject matter, new claims 25 and 26 are believed to be allowable.

Rejections under 35 USC 102(a) and (e)

As noted above, claim 1 has been amended to define that the ONU identifier is unique among the ONUs of the passive optical network, and further that the network monitor monitors a return data channel of the passive optical network to detect a faulty ONU. Seto et al. do not teach of fairly suggest this combination of features.

At paragraph 6 of the Detailed Action, the Examiner argued that "the carrier frequencies f_{LO1} and f_{LO2} are inherently being used to identify transmitting station 10 amongst the many transmitting stations 32". Applicant disagrees, with this characterization. In particular, the system of Seto FIG. 15 comprises exactly one transmitting station 10, and a plurality of transmitting devices 32. The transmitting station 10 is unique within the system, by

design, in that it is the only component that transmits data into the optical fiber 30. As may be seen in FIG. 15, the transmitting devices 32 merely receive optical signals from the transmitting station 10. With this arrangement, the person of ordinary skill in the art will recognise that the whole issue of “identify[ing] transmitting station 10 amongst the many transmitting stations 32” simply does not exist. .

It may be noted that FIGs. 13 and 14 describe an arrangement in which the transmitting devices 32 are also capable of receiving a radio signal through a bidirectional antenna 68, downconverting it using the pilot signal f_{LO} (received from the transmitting station 10), and then transmitting the downconverted signal to the transmitting station 10 via a second optical fiber 30b. However, even in this case, the transmitting devices 32 merely transmits the downconverted data – no attempt is made to transmit anything equivalent to the claimed ONU identifier.

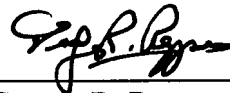
Notwithstanding the foregoing, claim 1 has been amended to clarify that ONU identifier is unique among the ONUs of the network, and further that the network monitor monitors a return data channel of the passive optical network to detect a faulty ONU. Neither of these features are taught or fairly suggested by the teaching of Seto et al. Accordingly, withdrawal of the rejection of claims 1-5 based on Seto et al. is respectfully requested.

In light of the foregoing, it is believed that the presently claimed invention is clearly distinguishable over the teachings of the cited reference, and is therefore in good condition for allowance. Early action in that respect is courteously solicited.

AMENDMENT UNDER 37 CFR § 1.116
Application No. No: 10/600,713

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to Deposit Account No. 19-5113.

Respectfully submitted,



By: _____
George R. Repper
Registration No. 31,414
Attorney for Applicant

Date: July 25, 2007